

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 8019

Takeru FUJII et al.

Docket No. 2001-0019A

Serial No. 09/757,655

Group Art Unit 1648

Filed January 11, 2001

Examiner S. Brown

A PEPTIDE HAVING AN AFFINITY

FOR gp120

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975

RESPONSE

Assistant Commissioner for Patents, Washington, D.C. 20231

Sir:

Responsive to the Notice dated March 27, 2002, there is submitted herewith, in a separate Preliminary Amendment, a paper copy of a Sequence Listing for the above-identified application which has been prepared in accordance with the sequence rules under 37 CFR 1.821-1.825. The Sequence Listing contains the identical sequences appearing in the original application papers.

Thus, no new matter has been added.

There is also submitted herewith a copy of the Sequence Listing in computer readable form as required by 37 CFR 1.821(e). The content of the paper and computer readable copies are the same.

A copy of the Notice is also attached as required.

In view of the foregoing, it is believed that each requirement set forth in the Notice has been satisfied, and that the application is now in compliance with the sequence rules under 37 CFR 1.821-1.825. Accordingly, favorable examination on the merits is respectfully requested.

Respectfully submitted,

Takeru FUJII et al.

Lee Cheng

Registration No. 40,949 Attorney for Applicants

LC/gtg Washington, D.C. 20006-1021 Telephone (202) 721-8200 Facsimile (202) 721-8250 June 27, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

CONFIRMATION NO. ATTORNEY DOCKET NO. FIRST NAMED INVENTOR APPLICATION NO. FILING DATE 8019

09/757,655

Takeru Fujii

2001_0019A

513

7590

03/27/2002

WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W.

01/11/2001

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER BROWN, STACY S

ART UNIT

DATE MAILED: 03/27/2002

9

PAPER NUMBER

Please find below and/or attached an Office communication concerning this application or proceeding.

APR - 1 2002
WENDEROTH, LIND & PONACK



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office COMMISSIONER OF PATENTS AND TRADEMARKS

PAPER NUMBER 9

ART UNIT

ATTORNEY DOCKET NO. FIRST NAMED APPLICANT SERIAL NUMBER FILING DATE **EXAMINER**

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN ONE EXTENDABLE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO GOMPLY WITH THE SEQUENCE RULES, 37 C.R.F. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

- 1. Electronically submitted through EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
- 2. Mailed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327 Arlington, VA 22202

3. Mailed by Federal Express, United Parcel Service or other delivery service to:

U. S. Patent and Trademark Office 2011 South Clark Place Customer Window, Box Sequence Crystal Plaza Two, Lobby, Room 1B03 Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,
Arlington, Virginia 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Stacy S. Brown whose telephone number is (703) 308-2361. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner James Housel whose telephone number is (703) 308-4027. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Stacy S. Brown March 26, 2002

HANKYEL T. PARK, PH.D PRIMARY EXAMINER NOTICE TO COMPLY WITH REQUIREMENTS FOR PATEENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

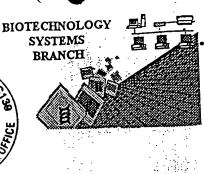
	 This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990. 		
	This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).		
	3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).		
X	4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."		
	5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).		
	6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).		
	7. Other:		
Applicant Must Provide:			
\boxtimes	An initial of substitute computer readable form (CRF) copy of the "Sequence Listing".		
	An initial of substitute computer readable form (CRF) copy of the "Sequence Listing". An initial of substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into		

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

Re-ru

RAW SEQUENCE LISTING
ERROR REPORT

JUN 2 7 2002 S



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/757,655Source: 600Date Processed by STIC: 2/21/20027

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE

APPLICANT, WITH A NOTICE TO COMPLY or,

TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A
NOTICE TO COMPLY

NOTICE TO COMPLY FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216. PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax) PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

http://www.uspto.gov/web/offices/pac/checker

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (http://www.uspto.gov/ebc/efs/downloads/documents.htm, EFS Submission
 User Manual ePAVE)
- 2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
- Hand Carry directly to:
 U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name,
 Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

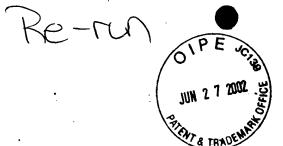
 Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

Raw Sequence Litting Error Summary

ERROR DETECTED	SUCCESTED CORRECTION SERIAL NUMBER: 09/1/5 1/653	
ATTN: NEW RULES CASES:	Please disregard english "Alpha" headers, which were inserted by PTO so	FTWARE
1Wrapped Nuclaics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to A; this will prevent "wrapping."	• •
2Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.	
3 Misaligned Amino Numbering	The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.	• .
4Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please	
SVariable Length	Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.	
6Patentin 2.0 "bug"	A "bug" in Patentin version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) Normally, Patentin would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.	•
7Skipped Sequences (OLD RULES)	Sequenco(s)missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped	·.
8Skipped Sequences (NEW RULES)	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences. Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence. <110> sequence id number <400> sequence id number 000	
9Use of n's or XAA's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.	
10Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220><223> section is required when <213> response is Unknown or is Artificial Sequence	•
11Use of <220>	Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses. When of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)	
12PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of Patentin version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy life to floppy disk.	
13Misuse of a	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.	

AVCACH - Riotechnology Systems Branch - 08/21/2001





DATE: 02/21/2002 RAW SEQUENCE LISTING PATENT APPLICATION: US/09/757,655 TIME: 11:38:41

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Does Not Comply

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Corrected Diskette Neede
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             YOKOYAMA, Hideakira
              HAMAMOTO, Hidetoshi
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      9 <130> FILE REFERENCE: 2001-0019A/LC/01732
     11 <140> CURRENT APPLICATION NUMBER: 09/757,655
     12 <141> CURRENT FILING DATE: 2001-01-11
     14 <150> PRIOR APPLICATION NUMBER: JP No. 2000-6182
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W--> 50 <221> NAME/KEY: Residue
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Lys, Arg,
     53
              Phe, Trp, Pro or Tyr
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59 <210> SEQ ID NO: 2 60 <211> LENGTH: 5

DATE: 02/21/2002

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PATENT APPLICATION: US/09/757,655
                                                              TIME: 11:38:41
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                      Output Set: N:\CRF3\02212002\1757655.raw
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     70 <223> OTHER INFORMATION: Xaa = Asp, Lys, Val, Glu, Gly, Asn or Tyr, or polypeptide
residue that an
     71
               arbitrary amino acid stood in line in the N-terminal side from this amino ac
     73 <220> FEATURE:
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     76 <223> OTHER INFORMATION: Xaa = Val, Asp, Trp, Lys, Phe, Ile, Leu or Tyr
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W--> 84 <221> NAME/KEY: Residue
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     91 <223> OTHER INFORMATION: Xaa = Gly, Ala, Val, Leu, Ile, Ser, Thr, Met, Asn, Gln, H:
Lys, Arg,
     92
              Phe, Trp, Pro or Tyr
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RAW SEQUENCE LISTING

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DATE: 02/21/2002

PAW SEQUENCE LISTING PATENT APPLICATION: US/09/757,655 TIME: 11:38:41 Input Set : A:\FUJII SEQUENCE LISTING.txt Output Set: N:\CRF3\02212002\1757655.raw _ (123 <222> LOCATION: (4) 124 <223> OTHER INFORMATION: Xaa = Ala, Trp or Gly 126 <220> FEATURE: W--> 127 <221> NAME/KEY: Residue 128 <222> LOCATION: (5) 129 <223> OTHER INFORMATION: Xaa - Gly, Ala, Val, Leu, Ile, Thr, Met, Asn, Gln, His, Lys Arg, Phe, Trp, Pro or Tyr, or polypeptide residue that an arbitrary amino acid 130 stood in line in the C-terminal side of this amino acid, H 131 133 <400> SEQUENCE / 3/ 🛂 134 Xáa Xaa Xaa Xaa Xaa 135 1 138 <210> SEQ ID NO: 4 139 <211> LENGTH: 5 140 <212> TYPE: PRT 141 <213> ORGANISM: Artificial Sequence 143 <220> FEATURE: 144 <223> OTHER INFORMATION: Description of Artificial Sequence: Peptide 146 <220> FEATURE: W--> 147 <221> NAME/KEY: Residue. 148 <222> LOCATION: (1) 149 <223> OTHER INFORMATION: Xaa = Tyr, Arg, Phe, Gly, Trp, His or Asp 151 <220> FEATURE: W--> 152 <221> NAME/KEY: Residue 153 <222> LOCATION: (2) 154 <223> OTHER INFORMATION: Xaa = Arg, Tyr, Trp, Ala, Val, Gln, His or Lys 156 <220> FEATURE: W--> 157 <221> NAME/KEY: Residue 158 <222> LOCATION: (3) 159 <223> OTHER INFORMATION: Xaa = Lys, Tyr, Arg, Glu, Met or Trp 161 <220> FEATURE: W--> 162 <221> NAME/KEY: Residue 163 <222> LOCATION: (4) 164 <223> OTHER INFORMATION: Xaa = Gly, Ala, Val, Leu, Ile, Ser, Thr, Met, Asn, Gln, His Lys, Arg, 165 Phe or Trp 167 <220> FEATURE: W--> 168 <221> NAME/KEY: Residue 169 <222> LOCATION: (5) 170 <223> OTHER INFORMATION: Xaa = Gly, Ala, Val, Leu, Ile, Ser, Thr, Met, Asn, Gln, His Lys, Arg, Phe, Tyr or Trp 171 173 <400> SEQUENCE 4 174 Xaa Xaa Xaa Xaa Xaa Xaa 175 1 177 <210> SEQ ID NO: 5 178 <211> LENGTH: 5 179 <212> TYPE: PRT

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182 <220> FEATURE:

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RAW SEQUENCE LISTING DATE: 02/21/2002 PATENT APPLICATION: US/09/757,655 TIME: 11:38:41

Input Set : A:\FUJII SEQUENCE LISTING.txt
Output Set: N:\CRF3\02212002\I757655.raw

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187 <222> LOCATION: (1)
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residue that an
               arbitrary amino acid stood in the N-terminal side from this amino acid
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Lys, Arg,
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               Phe or Trp
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W--> 208 <221> NAME/KEY: Residue -
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DATE: 02/21/2002 RAW SEQUENCE LISTING TIME: 11:38:41 PATENT APPLICATION: US/09/757,655 Input Set : A:\FUJII SEQUENCE LISTING.txt Output Set: N:\CRF3\02212002\1757655.raw

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2/21/

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VERIFICATION SUMMARY

PATENT APPLICATION: US/09/757,655

DATE: 02/21/2002 TIME: 11:38:42

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L:50 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ_ID#:1
L:56 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1
L:68 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:74 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:79 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:84 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:89 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2
L:95 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2
L:107 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3
L:112 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3
L:117 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3
L:122 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3
L:127 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3
L:134 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3
L:147 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4
L:152 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4
L:157 M:257 W: Feature value mrs-spelled or invalid, <221> Name/Key for SEQ ID#:4
L:162 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4
L:168 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4
L:174 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4
L:186 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5
L:192 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5
L:197 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5
L:202 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5
L:208 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5
L:214 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5
L:226 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6
L:231 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6
L:236 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6
L:241 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6
L:247 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6
L:254 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6
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